

ORDINANCE NO. _____

AN ORDINANCE VACATING AND ABANDONING A PORTION OF DRAINAGE EASEMENT NORTH OF NATIONAL PARKWAY AND EAST OF S. HOLLAND RD. DESCRIBED HEREINAFTER, DECLARING THAT SUCH PROPERTY IS UNNECESSARY FOR USE BY THE PUBLIC; AUTHORIZING THE MAYOR OF THE CITY OF MANSFIELD, TEXAS, TO EXECUTE A QUITCLAIM DEED RELEASING PUBLIC INTEREST OR CONTROL OF SAID DRAINAGE EASEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Mansfield is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council of the City of Mansfield, Texas, after careful study and consideration, has determined that a certain portion of the drainage easement north of National Parkway and east of S. Holland Rd, is not being used by, nor useful or convenient to the public in general; therefore, it constitutes a public charge without a corresponding public benefit, and the public would be better served and benefited by its vacation and abandonment. Said drainage easement is described in Exhibit A and B attached hereto and made a part hereof for all purposes.

WHEREAS, in order to remove any question as to the continued interest or ownership of the public in said drainage easement, the City desires to execute a Quit Claim Deed releasing all title, ownership and control of said drainage easement to the Hott Family Limited Partnership.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, THAT:

SECTION 1

a portion of the drainage easement north of National Parkway and east of S. Holland Rd., as described hereinabove, is not being used by, nor useful or convenient to the public in general. It constitutes a public charge without a corresponding benefit, and the public would be better served and benefited by its vacation and abandonment. Accordingly, the above described portion of the drainage easement, is hereby vacated and abandoned as public property and such area so abandoned shall revert in fee simple to the Hott Family Limited Partnership.

SECTION 2

The Mayor of the City of Mansfield, Texas, is hereby authorized and empowered to execute a quitclaim deed releasing all claims to title, ownership, or control of the drainage easement described hereinabove, on behalf of the City of Mansfield, Texas.

SECTION 3

A copy of said quitclaim deed shall be presented for filing with the County Clerk of Tarrant County, Texas by the office of the City Secretary.

SECTION 4

This Ordinance shall become effective immediately upon its passage as provided by law.

First reading approved on the _____ day of _____, 20__.

Second reading approved on the _____ day of _____, 20__.

DULY PASSED on the third and final reading by the City Council of the City of Mansfield, Texas, this _____ day of _____, 20__.

David L. Cook, Mayor

ATTEST:

Vicki Collins, City Secretary

APPROVED AS TO FORM AND LEGALITY

Allen Taylor, City Attorney